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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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11 DIONTAE JOHAN DUNCAN,
12 Plaintiff,

13 v.

14 CALIFORNIA HEALTHCARE
15 RECEIVERSHIP CORP., et al.,
16 Defendants.

Case No.: 1:20-cv-01288-KES-SKO

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
ACTION

Doc. 133

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18 Plaintiff Diontae Johan Duncan is appearing pro se and in forma pauperis in this civil
19 rights action pursuant to 42 U.S.C. section 1983. This matter was referred to a United States
20 magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

21 On September 15, 2025, the Court issued an Order Adopting Findings and
22 Recommendations to Dismiss Certain Defendant After Screening of Plaintiff's Third Amended
23 Complaint. Doc. 129. The order was served on plaintiff at his address on record with the Court,
24 but the order was returned as undeliverable. The assigned magistrate judge issued an order on
25 October 15, 2025, which was served at plaintiff's address of record and was also later returned as
26 undeliverable. Doc. 132.

27 On November 21, 2025, the magistrate judge issued findings and recommendations to
28 dismiss this action without prejudice for plaintiff's failure to obey Local Rules and failure to

1 prosecute. Doc. 133. Specifically, the magistrate judge found plaintiff has failed to keep this
2 Court apprised of his current address, noting the United States Postal Service had recently
3 returned mail marked undeliverable following service to plaintiff. *Id.* at 2–6. The findings and
4 recommendations were served to plaintiff at his address of record. Objections were to be filed
5 within fourteen days of service. *Id.* at 6–7. No objections have been filed and the time to do so
6 has expired.

7 In accordance with 28 U.S.C. § 636(b)(1), this Court conducted a de novo review of this
8 case. Having carefully reviewed the matter, the Court finds the findings and recommendations to
9 be supported by the record and proper analysis.

10 Accordingly:

11 1. The findings and recommendations issued November 21, 2025, Doc. 133, are adopted
12 in full;

13 2. This action is dismissed, without prejudice, for plaintiff's failure to obey the Local
14 Rules and failure to prosecute; and

15 3. The Clerk of the Court is directed to close this case and terminate any deadlines.

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17 IT IS SO ORDERED.

18 Dated: December 19, 2025



19 UNITED STATES DISTRICT JUDGE

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